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# Justice

John F. O'Hara

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## JUSTICE\*

SEVERAL years ago I was asked one day to recommend a group of college graduates for employment. The man stated the qualifications briefly: "Average intelligence will do, and a moderate amount of courage — but they must be absolutely truthful. I can watch a thief," he added, "but I can't watch a liar. I don't want a thief, of course, but the damage done by the average thief is quickly repaired; a liar can ruin my business."

Justice is the virtue, the habit of good, that inclines us to give every one his due. A liar sins against justice; so does a thief; so does an adulterer; so does a blasphemer; so do the calumniator, the backbiter, the perjurer. Society is built upon mutual trust. The virtue of justice should protect that trust, should incline every man to give to every other man what is his due. To the extent to which that virtue is absent, we must have police, we must have courts, we must have jails and executioners, we must have armies and navies and military preparedness, for the protection of our rights.

You see, then, how important is the virtue of justice. Like the other three virtues we are studying these Sundays, it is

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\*An address delivered by Rev. John F. O'Hara, C.S.C., President of the University of Notre Dame, during the Catholic Hour Radio Series, on September 20, 1936.

a natural virtue, that is, it is based on our nature. Unlike the other three virtues, however, it is primarily a social virtue; it takes into account the rights of others, and requires others to take our rights into account. Selfishness would take all, or would take all the best; justice draws the line between my rights and yours. Because of individual selfishness, men organize governments to distinguish between mine and thine in case of conflict; and they organize courts to adjudicate individual differences.

The Church, as the guardian and interpreter of the natural law, has much to say about the virtue of justice. Her appeal, as ever, is to conscience, but she recognizes the right and the duty of the state to clarify rights and adjudicate conflicts, and she reminds executives, legislators, and judges that they must follow conscience and the natural law in the determination and protection of individual rights.

There is in modern times no clearer example of the Church's role in defining rights than in the famous encyclical of Leo XIII on the Rights of Labor, and the equally famous letter of Pope Pius XI on Reconstructing the Social Order. These two Popes pointed out that every man has a right to life, has a right to the things that are necessary to live in comfort, has a right, in other words, to a living wage that will enable him to sustain himself properly in his own station in life and to raise a family. Those employers who have paid less than a living wage can accept their share of the blame for the depression, inasmuch as they took out of the market such potential customers as they deprived of the means of ordinary comfortable living. Those employers who have paid starvation wages must accept their share of the blame for the spread of Communism, for though the originators and propagandists of this violent philosophy of government may themselves have been well-fed, they have found their readiest recruits among the half-starved.

In the Catholic teaching on Justice, our duties to God come first. God has rights. He is our Creator, we are His

creatures. We once were not, but now we are, and we did not bring ourselves into being. We owe God worship, we owe Him thanksgiving; He has a right to our apology if we offend Him; He has a right to our petitions for help. This sort of Justice is called the virtue of Religion. And if we pay God His due in all humility, there is a better chance that we will have more respect for the rights of our fellow-men.

The Communists understand this perhaps better than we do, and they direct their first attack against religion, which they call "the opiate of the people."

Having given God His due, the Catholic must proceed to give to his neighbor, to every man, that which is his. By the Canon Law, by particular decrees, by decisions of the ecclesiastical courts, and especially by the teachings of approved theologians, the Church solves problems of justice and rights and thus instructs the conscience of the individual. As sanction for her decisions she wields the spiritual power of refusing absolution to the sinner who has culpably violated the strict right of his neighbor and refuses to make good the damage done.

Unhappily for the peace of society, the moral codes followed generally by the world have allowed the Catholic Church too much of a monopoly in her teaching on restitution. Property rights would be far better observed, the home would be more sacred, reputations would suffer less, life would be more secure, were every conscience in the world imbued with the notion that where wilful damage is done to another, restitution is necessary to the forgiveness of the sin.

No Catholic can steal with impunity; he knows that he must restore if he would have his sin forgiven. No Catholic employer can with an easy conscience defraud laborers of their wages, for he knows that this sin cries to heaven for vengeance, and that the pennies he steals in this way will salt him with fire for all eternity if he dies without making

an effort to restore his ill-gotten gain. No Catholic worker who receives a good day's pay can do less than a good day's work for his employer, and the worker knows further that he has an obligation of restitution if wilfully or through culpable negligence he destroys or wastes the goods of his employer. Every Catholic knows that if he damages the reputation of his neighbor, whether by wilful lies or by making known hidden faults, he must repair that harm to the best of his ability. Every Catholic knows that if he injures his neighbor's health or shortens his life, he is bound to render proportionate support to the dependents who have been deprived of their source of livelihood.

Does this mean that Catholics are the only just people in the world? Or that all Catholics are paragons of justice? Such an inference would be, of course, absurd. Outside the Catholic Church there are millions of good people who are just in their dealings with their fellow-men, and millions who are at great pains to repair any unjust damage they may have done. And, since our Lord came to call "not the just, but sinners to repentance," it is to be expected that within the fold of the Catholic Church there will be sinners—sinners against Justice and against all the virtues. The Church prays for them and urges them to repentance—to the full repentance that necessarily includes restitution for every culpable violation of the strict right of our neighbor. The individual Catholic may be at fault—he may be a bad Catholic—but the Church does not fail in her teachings and in her use of all spiritual means in her power to aid Catholics to practice full justice, no matter what its cost.

For the guidance of Catholic professional men she lays down certain special rules. The Catholic judge, for instance, she reminds that the law of restitution obliges him if through malice, or through culpable ignorance or neglect, his decisions inflict unjust damage. She tells him that he must have sufficient knowledge to perform the duties of his office, that he must have competent jurisdiction, and that his judg-

ments must rise above personal considerations, passions and prejudices; that he must reject alike bribes and undue influence; that he must fulfill his duties with diligence and justice, respecting alike the laws of the land and the divine law; that, finally, he must be willing to give up his office rather than enforce a civil law that runs counter to the law of God.

Similarly, the Church reminds the Catholic lawyer that in accepting a case he enters into a contract which gives his client the right to able, honest, and diligent representation before the law. In civil causes, she tells the Catholic lawyer that he cannot accept a case that is certainly unjust, and that if in the course of a doubtful case he becomes convinced of its injustice, he must drop it. Since the law presumes the criminal innocent until his guilt is proved, she allows the Catholic lawyer to undertake the legitimate defense of a criminal, but in both civil and criminal cases, the Church insists that the lawyer abstains from all fraud, false testimony, forged documents, and everything that may in any way offend against honesty or justice. Finally, she reminds him that his fees must be just.

Who pays your grocery bill? If you do not pay, the grocer must increase his charges on the rest of his customers or go out of business. Who does your work? If you are slack, other workmen are forced to exert extra effort or more workmen must be hired, if the job is to be done. Who pays for the protection you receive from your government? If you evade your legitimate taxes, the burden of those must fall on others. A great deal of the increased cost of government in modern times can be traced directly to the fact that disregard for the rights of others has been widespread, and that with the loss in effectiveness of the appeal to conscience there has been substituted an appeal to the police power for the protection of individual rights.

No student of the industrial history of the nineteenth century can deny that most outrageous injustices were com-

mitted by the capitalists of the industrial revolution. Case-hardened men built up vast fortunes in those days by exploiting the desperate need of the poor, employing men, women, and children for a pittance, working them long hours under inhuman conditions. They sowed the wind and we reap the whirlwind. The proponents of Communism would destroy all human rights and begin anew, with man the mere creature of the state. Against this unnatural philosophy, the Catholic Church finds itself too much alone in its appeal to conscience. It recognizes that government must act to protect human rights, but it would prefer to have these rights safeguarded by an active sense of justice in every human heart.

St. Luke in his gospel relates the beautiful story of Zacheus and the visit of Our Lord to his home. Zacheus was of the notoriously dishonest class of the publicans, or tax-gatherers — in fact he was chief of the publicans. Zacheus was short of stature, and when he heard that Our Lord was coming down the road in the midst of a crowd of people, he climbed a sycamore tree, in order that he might have a view of this prophet. His simple faith touched Our Lord, Who invited him down and asked to be entertained by him. In the midst of the feast, poor Zacheus was overcome with emotion, and standing, he said to the Lord: "Behold, Lord, the half of my goods I give to the poor; and if I have wronged any man of anything, I restore him four-fold." Jesus said to him: "This day is salvation come to this house."

Suppose the spirit of Zacheus were to sweep the world today! A four-hundred per cent dividend paid voluntarily to the victims of injustice from ill-gotten gains, and a further fifty per cent dividend to the poor from honest wealth, would go far towards a solution of our so-called economic problem (which is essentially a moral problem). The in-

spiration to do this came to Zacheus when he entertained Our Lord in his house. Justice to God was followed quickly by justice to mankind.

And that is the program of justice the Catholic Church proposes to youth. Justice to God must come first. It is not the easy path, and the world will have none of it, but as I have said before, what the Catholic Church offers youth is the Cross of her Founder—and the grace and courage to bear the cross.

*John F. O'Hara, C. S. C.*

University of Notre Dame.